HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 5314 OF 2007

Between:

P. Venkataiah

… Petitioner

And

The Election Commission of India,
Rep. by its Chief Election Commissioner,
New Delhi & others

… Respondents

:: O R D E R ::

Counsel for the petitioner : Shri K. Srinivas

16.03.2007

Per G.S. Singhvi, CJ

In this petition, the petitioner has made the following substantive prayer:

> " It is therefore prayed that this Hon'ble Court may be pleased to issue a writ or order more especially one in the nature of writ of mandamus declaring the action of the 3rd respondent upon the instruction of 1st respondent in issuing the memo in Proc.No.995/Elecs/MCH/2007, dt.24.02.2007 which was received by the petitioner on 09.03.2007 which confines nomination during ensuring Council Election to the existing Electoral rolls of 2006 for the purpose of filing nomination, as illegal, arbitrary, capricious and against the rules and regulations and consequently suspend the operation of the memo in

Proc. No. 995/Elecs/MCH/2007, dt.24.02.2007 as far as restraining the filing of nominations to the existing electoral rolls of 2006 and consequently direct the respondents to receive the nomination of the petitioner for the Legislative Council Teachers Constituency of Hyderabad, Ranga Reddy and Mahaboobnagar forthwith and consequently direct the respondents to accept the nomination of the petitioner forthwith."

After arguing the case for a while, Shri K. Srinivas, learned counsel for the petitioner made a request that his client may be permitted to withdraw the writ petition with liberty to avail remedy by filing election petition.

The request of the learned counsel is accepted and the writ petition is dismissed as withdrawn with liberty in terms of the prayer made.

As a sequel to dismissal of the writ petition as withdrawn, W.P.M.P.No.6768 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

16.03. 2007
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